

# Notice of Allowability

Application No.

10/728,483

Examiner

Jared W. Newton

Applicant(s)

MASON, TIMOTHY L.

Art Unit

3634

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment file March 13, 2006.
2. ☒ The allowed claim(s) is/are 1, 3 and 4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date March 13, 2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date May 17, 2006
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frederick J. Dorchak (Attorney) on May 16, 2006.

The application has been amended as follows:

- Claim 1 should be replaced with the following:
  1. A display device for at least one modular merchandise unit having a substantially flat base comprising:
    - (a) a base comprising parallel first and second base walls and parallel third and fourth base walls connected to said first and second base walls;
    - (b) a housing supported by said base comprising parallel first and second side walls and a third side wall connected to said first and second side walls, said third side wall comprising a plurality of support openings arranged in at least two parallel rows of support openings in said third side wall;

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(c) at least one shelf supported in said housing for receiving the base of a merchandise unit, with each shelf being supported in at least two support openings;

(d) a cover disposed on an upper portion of said first, second and third side walls;

(e) at least two-wheels connected to said base and disposed in wheel wells provided in said base;

wherein said first and second base walls are aligned with said first and second side walls, and said third base wall is aligned with said third side wall;

each of said first and second base walls has a guide opening and a guide member for alignment of said display device with first and second additional display devices; and

said third base wall further comprises wheel guide openings adjacent to said wheel wells for alignment of said display device with a third additional display device.

- Claim 11 should be canceled

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent No. D512,260 to Melnyk

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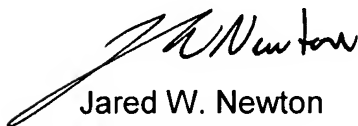
- US Patent No. D511,426 to Mason
- US Patent No. 6,955,268 to Waldron
- US Patent No. 6,877,618 to Mason
- US Patent No. D496,193 to Mason
- US Patent No. D496,194 to Mason
- US Patent No. D489,556 to Mason
- US Patent No. D486,324 to Mason
- US Patent No. 6,561,365 to Bustos
- US Patent No. 6,105,796 to Buchanan et al.
- US Patent No. 5,899,345 to Fuller et al.
- US Patent No. 3,687,091 to Boylan
- US Patent No. 2,943,742 to Colley
- US Patent No. 2,439,660 to Keil
- US Patent No. 1,931,403 to Connor
- US Patent No. 1,662,637 to Chilton

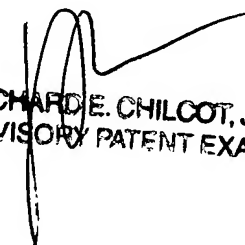
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jared W. Newton  
May 17, 2006  
JWN

  
RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER